Undertrials in various prisons

†4509. DR. PRABHA THAKUR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that many persons accused in various cases are behind bars for several years in various prisons of the country;

(b) if so, the State-wise details of the accused in various jails imprisoned for more than six months in various States; and

(c) whether all the long-imprisoned accused persons are not eligible for bail?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO GAVIT): (a) and (b) The total number of undertrials under detention at the end of 2005 as per the data compiled by the National Crime Records Bureau (NCRB) were 2,37,076. The State-wise details by period of their detention are indicated in the given Statement (*See* below).

(c) Offences are categorized as bailable and non-bailable. The bail provisions for undertrial prisoners are regulated by Section 436, 436A, 437 and 439 of the Code of Criminal Procedure, 1973. Under section 436 A of the Code of Criminal Procedure where an undertrial prisoner other than the one accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment, provided for the alleged offence, he should be released on his personal bond, with or without sureties. It also provides that in no case will an undertrial prisoner be detained beyond the maxium period of imprisonment for which he can be convicted for the alleged offence.

Section 436 (1) of the Code of Criminal Procedure, 1973 has also been amended to make a mandatory provision that if the arrested person is accused for a bailable offence and he is an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without sureties.

Further section 437 of the Cr. P.C., provides circumstances in which bail can be granted in case of non-bailable offence. When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer-in-charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, subject to certain conditionalities as given in section 437 of the Cr. P.C.

†Original notice of the question was received in Hindi.

Statement

Number of undertrial prisoners by period of detention at the end of 2005 (Provisional)

Sl. No.	State/UT	UPTO 3 MONTHS			3 - 6 MONTHS			6 - 12 MONTHS			1 - 2 YEARS		
		M	F	T	M	F	T	M	F	T	M	F	T
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
1	Andhra Pradesh	5716	562	6278	2361	84	2445	633	29	662	167	6	173
2	Arunachal Pradesh*	—	—	—	—	—	—	—	—	—	—	—	—
3	Assam	3165	76	3241	600	19	619	540	12	552	424	16	440
4	Bihar	8000	300	8300	9500	304	9804	10510	312	10822	5545	158	5703
5	Chhattisgarh	2411	101	2512	1497	67	1564	903	38	941	406	24	430
6	Goa	94	2	96	47	13	60	43	1	44	31	1	32
7	Gujarat	2106	120	2226	1252	62	1314	1335	37	1372	930	19	949
8	Haryana	2137	85	2222	1643	77	1720	1853	73	1926	1183	58	1241
9	Himachal Pradesh	145	6	151	110	4	114	170	4	174	84	1	85
10	Jammu & Kashmir	374	20	394	270	6	276	229	4	233	277	9	286
11	Jharkhand	4648	188	4836	3335	166	3501	2491	93	2584	1672	67	1739
12	Karnataka	2811	92	2903	1503	76	1579	1802	93	1895	971	22	993
13	Kerala	2580	49	2629	1123	56	1179	160	12	172	43	6	49
14	Madhya Pradesh	8227	247	8474	3771	101	3872	2510	92	2602	1404	64	1468
15	Maharashtra	6391	530	6921	2893	123	3016	2445	76	2521	2621	94	2715
16	Manipur	182	16	198	53	1	54	61	0	61	58	0	58
17	Meghalaya	208	0	208	75	0	75	71	4	75	58	4	62

*Jails do not exist

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
20	Orissa	4412	138	4550	1760	119	1879	1547	40	1587	1073	31	1104
21	Punjab	4036	175	4211	1625	156	1781	1220	98	1318	648	63	711
22	Rajasthan	3070	109	3179	1464	58	1522	1364	49	1413	777	15	792
23	Sikkim	54	1	55	20	4	24	22	0	22	19	0	19
24	Tamil Nadu	1108	11	1119	762	27	789	638	16	654	316	6	322
25	Tripura	329	15	344	143	5	148	86	1	87	39	0	39
26	Uttar Pradesh	16632	430	17062	8497	271	8768	7975	223	8198	4807	89	4896
27	Uttaranchal	503	13	516	445	8	453	315	5	320	141	7	148
28	West Bengal	7386	661	8047	1984	190	2174	1808	96	1904	961	52	1013
	TOTAL (States)	**87257**	**3979**	**91236**	**46945**	**2022**	**48967**	**40861**	**1426**	**42287**	**24705**	**812**	**25517**
29	A & N Islands	117	2	119	7	0	7	7	0	7	11	1	12
30	Chandigarh	152	8	160	85	3	88	48	4	52	26	3	29
31	D & N Haveli	5	0	5	5	0	5	10	0	10	7	0	7
32	Daman & Diu	7	0	7	8	0	8	2	0	2	0	1	1
33	Delhi	6110	116	6226	1188	73	1261	1160	62	1222	404	51	455
34	Lakshadweep	6	0	6	0	0	0	0	0	0	0	0	0
35	Pondicherry	143	1	144	8	0	8	0	0	0	4	0	4
	TOTAL (UTs)	**6540**	**127**	**6667**	**1301**	**76**	**1377**	**1227**	**66**	**1293**	**452**	**56**	**508**
	TOTAL (All India)	**93797**	**4106**	**97903**	**48246**	**2098**	**50344**	**42088**	**1492**	**43580**	**25157**	**868**	**26025**

Number of undertrial prisoners by period of detention at the end of 2005 (Provisional) (Concluded)

Sl. No	State/UT	2 - 3 YEARS			3 - 5 YEARS			ABOVE 5 YEARS			TOTAL		
		M	F	T	M	F	T	M	F	T	M	F	T
(1)	(2)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)
1	Andhra Pradesh	29	3	32	0	2	2	0	0	0	8906	686	9592
2	Arunachal Pradesh*	—	—	—	—	—	—	—	—	—	—	—	—
3	Assam	82	10	92	37	0	37	19	0	19	4867	133	5000
4	Bihar	3019	67	3106	1700	20	1720	547	17	564	38821	1198	40019
5	Chhattisgarh	50	2	52	8	0	8	2	0	2	5277	232	5509
6	Goa	14	0	14	0	0	0	0	0	0	229	17	246
7	Gujarat	320	3	323	204	4	208	58	1	59	6205	246	6451
8	Haryana	292	20	312	154	13	167	129	0	129	7391	326	7717
9	Himachal Pradesh	11	1	12	0	0	0	0	0	0	520	16	536
10	Jammu & Kashmir	154	9	163	128	7	135	50	2	52	1482	57	1539
11	Jharkhand	802	25	827	402	7	409	43	0	43	13393	546	13939
12	Karnataka	321	13	334	219	0	219	56	0	56	7683	296	7979
13	Kerala	3	0	3	7	0	7	2	1	3	3918	124	4042
14	Madhya Pradesh	361	12	373	180	4	184	18	0	18	16471	520	16991
15	Maharashtra	490	12	502	179	26	205	65	1	66	15084	862	15946
16	Manipur	9	1	10	9	1	10	4	0	4	376	19	395
17	Meghalaya	28	0	28	24	0	24	14	1	15	478	9	487
18	Mizoram	21	0	21	0	0	0	0	0	0	483	59	542
19	Nagaland	4	0	4	2	0	2	0	0	0	468	16	484

*Jails do not exist

(1)	(2)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)
21	Punjab	632	40	672	523	4	527	345	7	352	9029	543	9572
22	Rajasthan	361	9	370	71	6	77	9	1	10	7116	247	7363
23	Sikkim	2	0	2	0	0	0	0	0	0	117	5	122
24	Tamil Nadu	82	0	82	42	0	42	0	0	0	2948	60	3008
25	Tripura	32	0	32	5	0	5	1	0	1	635	21	656
26	Uttar Pradesh	2690	29	2719	1174	6	1180	254	1	255	42029	1049	43078
27	Uttaranchal	109	1	110	26	0	26	5	0	5	1544	34	1578
28	West Bengal	464	9	473	297	1	298	105	3	108	13005	1012	14017
	TOTAL (States)	**10731**	**292**	**11023**	**5584**	**109**	**5693**	**1770**	**35**	**1805**	**217853**	**8675**	**226528**
29	A & N Islands	10	0	10	3	0	3	0	0	0	155	3	158
30	Chandigarh	21	2	23	9	0	9	10	0	10	351	20	371
31	D & N Haveli	1	0	1	1	0	1	0	0	0	29	0	29
32	Daman & Diu	6	0	6	0	0	0	0	0	0	23	1	24
33	Delhi	250	43	293	243	22	265	66	3	69	9421	370	9791
34	Lakshadweep	0	0	0	0	0	0	0	0	0	6	0	6
35	Pondicherry	13	0	13	0	0	0	0	0	0	168	1	169
	TOTAL (UTs)	**301**	**45**	**346**	**256**	**22**	**278**	**76**	**3**	**79**	**10153**	**395**	**10548**
	TOTAL (ALL INDIA)	**11032**	**337**	**11369**	**5840**	**131**	**5971**	**1846**	**38**	**1884**	**228006**	**9070**	**237076**